IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 4619 of 2004

Between:

Mr.Panja Dharma Sekhar, S/o.Suryanarayana,
Sri Venkateswara Traders, Rashtrapathi road,Tanuku, West Godavari Dist.

... PETITIONER

AND

1 Superintendent of Police - West Godavari, Eluru, West Godavari Dist.
2 SHO, Tanuku, Town Police Station, Tanuku,W.G.District.
3 Mr.G.Murali Krishna, S.I.Tanuku Police Station,Tanuku,W.G.Dist.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly in the nature of a writ of Mandamus declaring the action of the respondents in interfering with the life and liberty of the petitioner as illegal and violative of Article 21 of the Constitution of India and further direct the respondents not to interfere with the life and liberty of the petitioner and pass.

Counsel for the Petitioner: MR.K.MALLIKARJUNA RAO

Counsel for the Respondents: GP FOR HOME

The Court made the following order:

ORDER:

Petitioner complaints that in the matter of a civil dispute filed by M/s. Madras Fertilizers Limited in O.S.No.1024 of 2003 on the file of the Senior Civil Judge, Vijayawada against him for recovery of Rs.6,83,093.36/- the police is interfering with his life and liberty forcing him to pay the said amount to the said fertilizer company without there being any criminal offence or complaint against him.

It is stated that the police has no business to interfere in the civil dispute and pendency of the said suit for recovery of certain amount has nothing to do with the criminal life of the petitioner.

Police have filed counter stating that the Regional Manager,
M/s. Madras Fertilizers Limited, Vijayawada along with their Company Senior Marketing Officer, Sri S. Chandra Sekhar of Tadepalligudem filed a petition before the Superintendent of Police, West Godavari District. In view of the said complaint petitioner was summoned to the station for conducting enquiry on 23.02.2004.

In view of the aforesaid facts and circumstances of the case, I am of the opinion that the

action of the respondents in entertaining the complaint of the said Company when the civil suit is pending for recovery of money is illegal, arbitrary and exceeds the power vested in them. The police cannot interfere with the civil matters and become collection agents to the big persons, firms and companies like the company mentioned above. On a petition filed by the said Company, issuing summons to the petitioner to appear in person before the first respondent itself is illegal and unsustainable. Interference of police in the civil matters amounts to interfering with the life, liberty and business of private citizens like the petitioner herein and such the said action is illegal and is in violation of Article 21 of the Constitution of India.

Accordingly, the writ petition is allowed directing the respondents not to interfere with the life and liberty of the petitioner with regard to the amounts due and payable by him to his creditors or M/s. Madras Fertilizers Limited. No costs.

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V. ESWARAIAH, J

April 5, 2005

Dsk

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice on this

Tuesday the Fifth Day of April Two Thousand and Five.

To

1 The Superintendent of Police - West Godavari, Eluru, West Godavari Dist.
2 The SHO, Tanuku, Town Police Station, Tanuku,W.G.District.
3 Mr.G.Murali Krishna, S.I.Tanuku Police Station,Tanuku,W.G.Dist.

4 Two CCs to GP For Home, High Court Buildings, Hyderabad (OUT)

Two CD Copies.